

1 for public service that's been lost in the fog of  
2 consolidation. Try telling someone that the American people  
3 are the real landlords of the broadcast airwaves and that  
4 broadcasters are enjoying rent control perks and see what kind  
5 of looks you'll get. We all know the truth of what's really  
6 going on here. When President Bush assured the Iraqi people  
7 that Iraq's oilfields were properly owned by the Iraqi people,  
8 I couldn't help but think about that other rhetoric we hear so  
9 often that the American public owns the airwaves. We're  
10 frankly sick of empty promises.

11 Everyone in this room needs to carry around the following  
12 statement as our organizing principle. The airwaves do not  
13 belong to the broadcasters. They do not belong to the  
14 advertisers. The owners, by law, are the people of the United  
15 States. Never doubt that a small group of thoughtful,  
16 committed citizens can change this dynamic. We will. The  
17 public airwaves are an entitlement not a privilege. An  
18 inalienable mandate in a free and open society, not something  
19 to wax philosophical over or read about in our history books.

20 If we truly want a free media, and if we truly want the  
21 best advertisement of what America's story is to the world,  
22 whether it's in Iraq, Afghanistan or anywhere else, then we  
23 need to keep this mandate by our sides and show the world what  
24 a truly free and liberated people's media looks like. Thank  
25 you.

1       **MR. STARR:** Hi, my name is Steven Starr. I'm one of the  
2 founders of the Los Angeles Independent Media Center. And I  
3 recently had the privilege of managing KPFK, the Pacifica  
4 station locally. The decisions the commissioners are studying  
5 today -- we discussed today -- they'll have a profound affect,  
6 as the woman said before me on the way America sees us.

7       We speak with fervor these days about freedoms -- freedom  
8 of religion, freedom of speech, freedom of expression. But  
9 every time Commissioner Powell declares the market as his  
10 religion, which he's done frequently, one wonders if he  
11 recognizes what the rest of the world thinks about his respect  
12 for any of the other freedoms we speak off.

13       When former FCC Chairman Mark Fowler declared that "the  
14 perception of broadcasters as community trustees should be  
15 replaced by a view of broadcasting as marketplace  
16 participants," the FCC apparently decided that the economics of  
17 scale trumped democracy, and the efficiencies of capital  
18 trumped freedom of speech.

19       Our First Amendment demands journalists serve the public  
20 interest, not the political or the business interests of media  
21 owners. The FCC has failed to tell us how relaxing these laws  
22 will allow mainstream journalists more freedom to serve the  
23 public directly. And one wonders how many television  
24 journalists are sleeping well these days. A few, I think, the  
25 good ones I know are deeply troubled by the parameters of the

1 journalism they are permitted to practice.

2 Case in point: The looting of Iraqi museums struck many  
3 as the greatest cultural disaster in modern history, but we  
4 can't find the story on television, except to see our Secretary  
5 of Defense shrug and say, "Stuff happens." Five thousand years  
6 of our cultural history dismissed with a shrug. One wonders  
7 what seeds are planted when that's the entire conversation we  
8 offer to those watching satellite-casts, all over the world.

9 I remember a time when a man we all admire said we should  
10 all be judged by the content of our character and not the color  
11 of our skin. Today we are here as citizens, as parents, as  
12 members of a civil society to understand that America as a  
13 nation will be judged in this age of media by the character of  
14 our content.

15 You see, the character of our content as it proliferates  
16 all over the world tells a story about America, a story that  
17 people will either respect or reject. If that story isn't told  
18 with diversity, if that story isn't told from a sense of place,  
19 a place that allows for a broad spectrum of thought, that  
20 enables ideas to be argued with passion and mutual respect,  
21 then our American story isn't worth telling to the rest of the  
22 world.

23 Again, it is up to this commission to understand that the  
24 character of our content will be defined entirely by the  
25 liberties implicit in our ideas. That our children's future

1 will be insured by the protections under which those ideas are  
2 expressed. And that our security in the eyes of the world will  
3 only be guaranteed by a global perception that we are here to  
4 advance the prospect for democracy before capital, for human  
5 diversity before market controls, and for freedom of expression  
6 before shareholder demands.

7 I urge you to consider this carefully. Thank you.

8 **MR. THOMAS:** I'm Michael Turner Thomas. I'm a micro-power  
9 broadcaster, unlicensed. And I can say openly that the  
10 corporate media in this country has been outright hostile to  
11 Africans in America. I experience it every day. I walk down  
12 the street, people will approach me on a sidewalk, and they  
13 will walk out into the street to avoid getting close to me.  
14 Because, according to the corporate media, I am a criminal  
15 because I'm of obvious African ancestry and I have a penis.

16 Well, I am none of that, other than being of obvious  
17 African ancestry and having a penis.

18 I am not judged by my intellect, my intelligence, nor the  
19 goodness in my heart. I'm making a point of this in particular  
20 because of the limited way to combat the image of distortion  
21 that is being projected by the lying, corporate media.

22 One particular case in point is the funeral of Huey  
23 Newton. Channel 2, up in Oakland, broadcast something critical  
24 of Huey Newton just before his funeral. And representatives of  
25 that particular station showed up at his funeral, much to the

1     dismay of a lot of people to whom Huey Newton is a hero. And I  
2     happen to be one of them. The people reacted by beating up the  
3     members of the corporate media for that image of distortion.  
4     The very next day, that very same television station that  
5     presented that twisted view turned around and modified their  
6     views on Huey Newton and projected a more positive image of  
7     him. And, indeed, the man did well to try to promote the cause  
8     for Africans in America.

9             Now, to say to engage in combat in something like this, it  
10     is terrible. It shouldn't have to come that way, but looking  
11     at the coup de tat -- I mean the election campaign of 2000, the  
12     Philadelphia police beat up protesters for nothing. The Los  
13     Angeles Police beat up protesters in this town for nothing at  
14     both of the conventions for the major political parties. And,  
15     of course, the media said that the police did such a great job  
16     in the handling of this. They did neither. And I think that  
17     we should have some recourse greater than actual combat to  
18     bring some honesty and integrity to the lying, corporate media.  
19     Thank you.

20            **MS. GRUMAY:** My name is Michelle Grumay and I'm a member  
21     of the Screen Actors Guild. But I'm here as an individual.

22            And I wanted to address the -- Commissioner Copps about  
23     this issue. I would venture to say that most Americans are not  
24     aware that the airwaves even belong to the public or them. And  
25     I would like to ask the commission, if the public interests

1 standard is being served, then why is the public unaware that  
2 they have a right to look at their local station's license  
3 renewal applications? Their TV and radio stations.

4 I just want to just say very briefly that I happened to  
5 look at several stations' files recently. During the last --  
6 the end of the last license renewal period. Before it was --  
7 their license -- licenses were going to be renewed. And I was  
8 shocked at the way I was treated.

9 At one station, I was treated like an intruder. I was  
10 interrogated, I was asked who I was. Who did I represent? I  
11 couldn't just be an individual. I had to represent some  
12 organization. At another, they sent in the security guard when  
13 I started looking -- after I first ask the person who was in  
14 charge in the general manager's office could I look at the  
15 file. And he said I was not allowed to look at the file.

16 Now, this is in deep contrast to the way I was treated  
17 many years ago when there was a Fairness Doctrine. When we had  
18 more rights. And I just like to say that this is something  
19 that's really important. These -- these are public documents.  
20 The stations do not go out of their way to let people know that  
21 they have a right to do a license challenge. That they can  
22 challenge the license renewal of their local stations. They  
23 can talk about the discrimination. They can look at the files  
24 and see and -- and see where -- their irregularities.

25 But if the public doesn't even know they have a right to

1 do this, if they don't even announce it anymore on public  
2 service ads that say you have a right to come to your --  
3 these -- our station and look at our license renewal file, I  
4 think this a very important right and I think it's being  
5 misused.

6 **MS. KENNEDY:** My name is Mimi Kennedy and I'm an actress.  
7 I was on a show called Dharma and Greg. And I really came here  
8 as a citizen, but I realized when I showed up, people might  
9 have thought I came to bite the hand the feeds me. I really am  
10 here not for any organization. KPFK, which is listener  
11 sponsored radio, the only radio that I listen to along with  
12 some of the NPR stations, alerted me to the fact that this was  
13 going and I didn't write down where. So then I had to do half  
14 an hour searching on the Internet to ask the right question to  
15 find out where this actually was. It wasn't on the USC website  
16 and it certainly wasn't on the FCC website.

17 So this brings to fore the -- whoever controls the facts  
18 controls the narrative. And the problem with consolidation is  
19 the facts are in fewer hands. We'd like to trust that, but we  
20 simply can't. The Founding Fathers didn't, and we need  
21 democracy, a multiplicity of voices, a multiplicity of people  
22 collecting and interpreting facts.

23 I remember -- I'm conditioned by the Cold War and how we  
24 used to laugh at the idea there were elections in the Soviet  
25 Union or that they had news and it was Pravda. And we were

1 very merry about the fact that you couldn't trust it for real  
2 news. I would hate to see America devolve into this, but I  
3 never watch television news because a certain part of me feels  
4 as if I'm watching some Pravda-like cheerleading and I won't  
5 necessarily be getting the facts that I do on listener  
6 sponsored radio, which I'm lucky enough to have in Los Angeles.

7 I really wanted to come here and have the FCC hear how  
8 upset I am as a citizen about hate radio. I've just listened  
9 to it to educate myself, and I am shocked that the devolution  
10 of the airwaves that most Americans listen to has sunk to this.  
11 And now I see why our democracy is becoming more difficult  
12 because people feel this discourse of ridicule and threat and  
13 demonization is proper patriotic discourse.

14 The FCC should certainly be ashamed of itself that it has  
15 let things get so far on AM radio. I don't think further  
16 consolidation will solve this problem. Therefore, I would like  
17 to support the people who said here, as Marty Kaplan with his  
18 Pew research study, we certainly need to not vote on anything  
19 June 2nd.

20 The public isn't here because the public didn't know.  
21 This isn't a public town hall. God bless us, we're providers.  
22 I realize I'm here as a professional actress. Unwittingly,  
23 more appropriately here as that certainly than any member of  
24 the public. There is only one other person that I met here who  
25 came -- I'm sure there are more of you, but in my speaking --



1 as a member of the public. So, please, FCC -- who is ever  
2 watching this -- do not think this was a public town hall. The  
3 public doesn't know. The public is not here and that goes back  
4 to whoever controls the facts controls the narrative. The  
5 facts are not out there that this is happening. The public  
6 control of the airwaves is an illusion. I don't want our  
7 democracy to become an illusion.

8 So absolutely hold off this vote and look at what you do  
9 before you make our democracy an illusion by having fewer  
10 people control the facts. And they don't have a good record  
11 with this so far. Thank you.

12 **MR. FRIED:** Well, they say don't follow children and  
13 animals. Let's add actresses to that. I wish I had gone  
14 earlier. Thanks, first of all, for everybody who is still  
15 here. I was hoping to speak to a few more people, including an  
16 FCC commissioner. But I guess we have to settle for the tape.

17 My name is Alan Fried of Minneapolis and Santa Monica. I  
18 split my time. I worked in the radio industry between 1977 and  
19 2000, both commercial and non-commercial radio. And I have  
20 worked in the Internet business related to Internet radio since  
21 2000.

22 While I'm not involved with radio broadcasting currently,  
23 I continue to believe in its fundamental value as a  
24 communication service, for information and entertainment, and  
25 its unique qualities of immediacy, portability, relatively low

1 consumer cost and ability to be used while engaging in other  
2 activities. Can't really do that with television.

3 My interest in the issue of media consolidation and  
4 control dates back to 1996 and the period immediately following  
5 the passage of the Telecom Act of that year. I speak today as  
6 a listener and as a -- I guess a former broadcaster.  
7 Additionally, I'm pleased to mention that the late Minnesota  
8 senator, Paul Wellstone, was one of the handful of senators who  
9 did not vote for the Telecom Act. He was a good man.

10 In absentia, I would like to thank you, Commissioner  
11 Copps, for your strong position on public hearings about this  
12 important issue of media control. Contrary to suggestions by  
13 Chairman Powell and Commissioner Abernathy that the public  
14 record on this issue via paper and electronic filings is  
15 sufficient, these faceless -- those faceless opinions and  
16 contributions are not equal to face-to-face meetings and panels  
17 at broadcasting conventions with any B executives.

18 Even hearings and forums like this one today aren't the  
19 same or really equal to one-on-one meetings like you have  
20 inside the beltway. But they are affording those outside the  
21 beltway the opportunity for some type of face-to-face contact  
22 with the FCC. And I think that's important, as others have  
23 said earlier.

24 I have read and heard comments of broadcasting industry  
25 figures, FCC Commissioners, and staff and pundits which have

1 referred to the broadcasting marketplace or the free market as  
2 it pertains to broadcasting. They argue that the demands of  
3 the marketplace should dictate the dynamics of control and of  
4 content of programming. That's an appropriate concept in a  
5 truly open marketplace, but broadcasting isn't an open  
6 marketplace by virtue of its finite playing field. A finite  
7 spectrum. Such a close, privileged marketplace of a public  
8 resource requires -- no, it really demands oversight and  
9 regulation in the public interest.

10 I'm not suggesting lots of regulations but enough to  
11 protect the public interest. That's the fundamental role of  
12 the FCC and a role that it has been charged with since radio  
13 regulation began in this country in 1920's. Protection of the  
14 public interest is underscored when we consider the current  
15 control structure and that new entrants are now rare --  
16 certainly in medium and major markets -- and that the barrier  
17 to the entry that has always existed -- that spectrum issue  
18 again -- has tightened.

19 Making entry even more difficult, stations have for years  
20 routinely received license renewals virtually automatically.  
21 It's virtually unheard of for a station to lose its license for  
22 violations of rules or under license renewal challenge. If  
23 it's even challenged. When the commission does act on  
24 violations, overwhelmingly on technical or procedural issues,  
25 stations are slapped with fines that are so small and

1 inconsequential they're considered a cost of doing business and  
2 quickly forgotten.

3 In short, there is little accountability by radio and TV  
4 stations, who have been afforded the privileged of holding a  
5 broadcast license and different operators are virtually  
6 excluded from participating or entering.

7 Having said that, I'm pleased that the commission recently  
8 grew a backbone and levied fine that prompted the industry to  
9 take notice. That of a \$27,000 fine a couple weeks ago against  
10 WKRK in Detroit.

11 With that in mind, my point here is that there's a major  
12 difference, which I have yet heard discussed in this process,  
13 when invoking the concept of the expanding media marketplace.  
14 A concept which is a primary justification for relaxing  
15 control. There is a difference between broadcasting and  
16 publishing, for instance, and between broadcasting and the  
17 Internet. Anyone can start their own website and audio stream.  
18 Anyone can launch a publication. Newspapers on the Internet  
19 are not regulated like broadcasting and, more importantly, they  
20 are not a finite class, like broadcasting. They are free  
21 market enterprises. To mix them together with broadcasting  
22 when discussing the issue of regulation and consolidation is  
23 inappropriate unless the FCC somehow has plans to somehow  
24 opening -- to open the broadcasting playing field, but I don't  
25 think they are looking to do that.

1 Further, broadcasting is considered as and licensed as a  
2 public service. The public has historically expected and  
3 depended on news and information from radio and television.  
4 And while sites on the Internet offer news and information, the  
5 Net does not enjoy the penetration, affordability and reach of  
6 broadcasting. And the public has yet to demand -- depend on  
7 the Net, as it does broadcasting. Although that's changing, I  
8 think the attitude of radio and TV as a reason for that, but I  
9 digress.

10 And I appreciate the public outreach that Commissioner  
11 Copps has afforded us. I trust that he and the commission will  
12 hear us and act accordingly in the public interest. And I can  
13 only hope that we in the future can get more time because we  
14 all know that people like the NAB get plenty of it inside the  
15 beltway. Thank you.

16 **MS. DILLARD:** Yes, my name is Joyce Dillard. I'm a  
17 citizen who lives in the congressional district of Xavier  
18 Becerra, in a community that's majority Latino, low income,  
19 high in immigration.

20 And I'm here to address the lack of creativity in all  
21 forms of communication, both broadcast and print. The children  
22 are dying, literally. They are so depressed, it's hard to  
23 describe. Communication is supposed to bring hopes and dreams.  
24 It's supposed to trigger their ambitions, and we don't see  
25 that.

1           We see that they love their families. We're a working  
2 class community with small businesses, but the big conglomerate  
3 is drug trafficking. It produces gang crime, fast money and  
4 cheap thrills. We also know that the our children aren't  
5 looking for their future in order to be able to afford cable or  
6 the Internet or computers.

7           It was nice to see Congressman Becerra here, but very few  
8 know there's a congressional Hispanic Caucus. And even less,  
9 maybe I can count them on one hand, know that he's part of a  
10 telecommunications and technology taskforce. In fact, we have  
11 a political monopoly, but our monopoly is a one-party system.  
12 It happens to be the Democratic party in our area. They do not  
13 see a two-party system, free to compete and free to choose.

14           We ask that you look at this communications industry in  
15 all it's form as a conduit for the future of our children.  
16 They are disengaged, and it's ultimately important that they  
17 cherish what our ancestors fought for and established, and  
18 that's our freedom in this world. Thank you.

19           **MR. GROSH:** I'm Eric Grosh. I'm a physician. I also have  
20 some training in engineering, and a concerned citizen. I have  
21 been very impressed with a lot of the eloquence from the other  
22 speakers, both on the panel and from the public. I've been in  
23 and out -- drifting in and out of tears at some the terrific  
24 words that have been spoken.

25           I just wanted to start off with a notification that I --

1 that I think I detected the fallacy of equivocation here.  
2 There is a difference in the use of the term public interest, I  
3 thought, between the first panel and the second panel. The  
4 first panel, the measure of public interest is rating score, it  
5 seemed to me. And the second panel, I think, took the correct  
6 view that it's what the public good serves.

7 And I'd just also like to note a thing that came to  
8 recently, the advantages of books. If you go into a bookstore  
9 there is a distinct clarification of this side, these shelves  
10 are devoted to nonfiction -- these sides -- these shelves are  
11 devoted to fiction. And it's not all that clear on the -- on  
12 the electronic media. My scientific training instructs me that  
13 empirical evidence is defined as experimental evidence.

14 Now, the experiment can be carried on in a sort of formal  
15 control manner or it can be viewed in the broader context of  
16 the real world. And I'd just like to go over a few of the --  
17 the pieces of empirical evidence that it would seem to be  
18 germane to this discussion that the court order mandated.

19 Sort of at the top of the list to my mind is the question  
20 that arouse after 9/11 -- why do they hate us? After 150 years  
21 of aggressive war by the United States in multiple, foreign  
22 military adventures, that this should be an unfathomable  
23 mystery is an unfathomable mystery to me. And then George  
24 Bush's -- here's the man holding the highest status office in  
25 the land, has so much confidence in the PR efficacy of the

1 media that he has the temerity to answer that question with,  
2 "They hate us", speaking of the -- of the 9/11 hijackers and  
3 their planners -- "They hate us for our freedom." That he  
4 could dare to insult our intelligence to that extent.

5 This is a piece of empirical evidence. It's like, what  
6 George Carlin would call the turd in the punchbowl. It is so  
7 awful that nobody wants to mention it. There are other  
8 multiple bits of evidence. Another one was the fabrications  
9 that proceeded the war in Iraq. That Saddam Hussein was the  
10 bad guy in everything and everything -- anything and  
11 everything. That he was importing Uranium from Africa, which  
12 was a forgery, the documentation that supported that -- that  
13 evidently persuaded Diane Feinstein and her colleagues in the  
14 Senate to support the war resolution when they had not done so  
15 before.

16 That he was a -- an ally of Al Qaeda in some respect.  
17 That war that we -- received the signal that war is no more  
18 than a sterile, bloodless video game, which is the impression  
19 we get from the Pentagon war briefings.

20 And I just wanted to close by talking about -- as an  
21 engineer, I learned about feedback loops. That certain -- a  
22 certain action in one direction causes certain consequences in  
23 another part of the loop. If you have corporations that  
24 manufacture munitions also in charge of media conglomerates,  
25 then they will look out for their interest up and down the



1 entire vertical structure of their entire corporation.

2       Therefore, they -- because they sell munitions they favor  
3 war. If you have more war you have increased revenues.  
4 Increased diversion of tax revenues from your pocket and mine  
5 into the corporate coffers. Increased campaign donations --  
6 contributions to politicians, who then -- this is a formula for  
7 maintaining the status quo, in which we have a so-called  
8 two-party system -- Democrats and Republicans are the two  
9 branches of the fat-cat party.

10       The Vietnam radical -- the Vietnam War radicalized the  
11 population by two, basically two factors -- the deaths of  
12 Americans who were compelled to serve by a draft and the  
13 prolongation of the war for almost 30 years. So they -- they  
14 took the opposite tack -- let's have nothing but Blitzkrieg  
15 war, fast in, fast out and eliminate the draft, so that only  
16 people who nobody cares about -- the vast silent majority that  
17 nobody cares about -- the poor and the disenfranchised -- are  
18 subjected then to an economic draft.

19       So more war, more munitions, more corporate profit, more  
20 tax revenues diverted to corporate coffers and so forth. And  
21 so the cycle continues in the vast feedback loop that is  
22 secured by the media. Mollifying the population by prettifying  
23 war, making it a matter of taste, eliminating the blood and so  
24 forth. That's -- that's basically mine.

25       **MR. KAY:** My name is Scott Kay, and I'm here as a citizen.

1 I heard all the panelists this morning, and I did not hear one  
2 justification for the public benefit of further consolidation  
3 of the media companies. We heard a lot today about the five or  
4 six media owners and a little-told story is that those very  
5 same media owners have exported tens of thousands of American  
6 jobs from this country.

7 There was a recent Los Angeles Times poll about the war in  
8 Iraq and the approval of the President. Sixty-nine percent of  
9 the respondents gave their main source of news about the war as  
10 cable news channels. Fascism has been defined as the merger of  
11 corporate and government interests. Presently, we don't need a  
12 Ministry of Propaganda.

13 **MR. WATTS:** Hi, my name is Gary Watts. I'm member of  
14 Teamsters Local 399. I'm an active member. And I'm quite  
15 concerned what the media mergers mean to my labor organization  
16 as well as any other labor organization out there.

17 We need to have an outlet for our opinions, to get our  
18 issues across. We are having several problems here. What I'm  
19 seeing is that media mergers is not serving the public's  
20 interest. When the media mergers came about in the --  
21 throughout the years, it was with the intent to better serve  
22 the members or better to serve the general public. And I yet -  
23 I have seen this yet to happen here.

24 The only thing I see it as a self-serving interest of  
25 the -- of the major media conglomerates here. What I'm

1 starting to see now is we're talking about 500 channels. I see  
2 250 channels of reruns. That is not serving the general public  
3 here. What I've come to find out is we have to -- let me go  
4 over my notes here real quick. I'm blind here. Okay.

5 There's a lot of issues here. I'm kind of brain locked  
6 here. We have to look at some of these -- these mergers. When  
7 we go into these mergers we're starting to look at some -- all  
8 these different business models. We're seeing some bad  
9 business models starting to merge with another bad business  
10 module. So it just destined for failure on this aspect here.  
11 I do not see that -- any light at the end of tunnel as far as  
12 benefiting the public.

13 A couple of things I do have to question. If the FCC is  
14 so concerned that the public is served, they have yet to  
15 mandate any type of regulation in such a manner that there must  
16 be a public notification on the channels 60 or 30 days prior to  
17 any media merger taking place or any FCC review taking place.  
18 I've yet to see that put in -- put out on the table here. I  
19 think the FCC has failed in this matter in a very large manner.  
20 That's it, sorry.

21 **MR. WATALATO:** Which camera is rolling? This one? Okay.  
22 My name is Ralph Watalato. I'm a graduate student at the  
23 Annenberg School of Journalism. I -- when I -- when I saw a  
24 lot of the speakers and a -- and a lot of what was said here, I  
25 think that there is a cultural divide between people who have a

1 socialist orientation and a free-market orientation.

2 And I would like the commissioners to know that the person  
3 speaking to you is a registered Republican that worked on  
4 Bush's campaign up 'til 15 minutes before the polls closed. I  
5 have a background as a free marketeer, and I'm very firmly  
6 supportive of a free market. But I think there is a difference  
7 between supporting free markets and following the dictates of  
8 the law.

9 The 1996 Telecommunications Act gives you two bases that  
10 you -- two -- two factors that you need to look at. One of  
11 them is an economic diversity factor. The other one is an  
12 ownership and viewpoint diversity factor. The first one is a  
13 statutory mandate. The second one is a constitutional mandate.  
14 I think, between the two, the constitutional mandate will trump  
15 the statutory mandate.

16 I agree with a lot of what Mr. Levin said -- Jay Levin --  
17 on the panel -- about the non-privileged voices not being heard  
18 in the current media environment. I also agree with what  
19 Mr. Connolly from AFTRA said about Clear Channel having killed  
20 local radio and about voice tracking.

21 As a person looking for employment in the media industry,  
22 I can say that there are very few opportunities today for  
23 somebody to move into local radio, because everything is a  
24 national broadcast. You have one person working in New York or  
25 Los Angeles and the same thing -- pardon me -- the same thing

1 is broadcast -- simulcast nationwide.

2 I also agree with Mr. Kaplan, Marty Kaplan, that there is  
3 a crying need for more study. I did some research for the  
4 Center for Communication Law and Policy on the radio side of  
5 this issue. And I will say that I spent a lot time looking for  
6 studies on this issue and I couldn't find much. We really need  
7 more study before we change the rules, because I do agree that  
8 it is like a gamble.

9 He had a more colorful way of putting that -- the  
10 riverboat gamble, it is. It really is. I agree on a -- on a  
11 philosophical basis with Commissioner Abernathy, but I have to  
12 say also that the very people from whom you get your  
13 intellectual ammunition in the Libertarian intellectual  
14 movement, in the think tanks, in places like Reason Magazine,  
15 those people are heartily criticizing you because, as one of  
16 the last speakers said, this is not a free market in the  
17 broadcast media. It is privileged market. We don't have  
18 unlimited entry into this marketplace. There are some very  
19 great barriers to entry.

20 I've read FCC opinions where they have actually made the  
21 argument that higher prices for stations are good and they've  
22 confounded the concept of ratings with public interest.

23 I think that there are two different concepts. One of  
24 them is an economic concept; the other is a viewpoint diversity  
25 concept. And I think that you need -- if you're looking for

1 legal bases for your decision, you need to make a distinction  
2 between the two.

3 Just as credit cards and phone cards -- I'm going to give  
4 you an analogy. You go out and look for a credit card today.  
5 They are required, by regulation, to give everybody the same  
6 information about what their rates are. So you can have a  
7 properly functioning marketplace because you have regulation.  
8 You look at phone cards, well, you don't know if they are going  
9 to charge you \$5 for using the phone even though they say  
10 they're three cents a minute or they're going to deduct a  
11 dollar every month that you don't use it, or it's not going to  
12 work in three weeks.

13 You have no idea in the marketplace what compares with  
14 what and, therefore, you can't have a free market. Because you  
15 don't have proper information and regulation in the  
16 marketplace. There is a need for some regulation to have a  
17 functioning free market, and this is the FCC's job.

18 I would say in addition to greater research here in the  
19 United States, that the FCC could look to some other markets in  
20 other countries. I just did a thesis on Singapore. Singapore  
21 is a country of three to four million people. It's only 326  
22 square miles. It has 18 radio stations and 7 TV stations. And  
23 yet, out of all that media, you would think there would be a  
24 great diversity of media with such a small population. Only  
25 three stations are not controlled by the government or by

1 government controlled corporations.

2 This is the problem that you are going to end up with in  
3 the United States if you do not abide by your constitutional  
4 duty to maintain viewpoint diversity. Thank you.

5 **MR. GOLDSMITH:** Hi, my name is Matt Goldsmith. I'm  
6 trained as an attorney and in the arts. I graduated from law  
7 school in 1980 and I've been alarmed at the changes in the  
8 country since that time, both in anti -- the lack of antitrust  
9 enforcement, the rise of mergers and acquisitions during that  
10 time, and the sense of the idea of the villainization of the  
11 public good. And of the idea of either the federal government  
12 or a -- the public.

13 And I think that the we need to return to the basic  
14 concepts that this country was founded under, which was a check  
15 and balances system. And that's the brilliance of our  
16 constitution and why it has been able to sustain itself all  
17 this time is that we have three branches government. It was  
18 based on the checks and balances systems, which incidentally we  
19 were benefited from the study of Benjamin Franklin and also the  
20 study of the Iroquois and -- tribes.

21 And we need to return, I agree with others, back to a  
22 scholarship about what are the fundamentals of this country in  
23 terms of democracy. Now that we're the most powerful country  
24 and an example for democracy around the world and we control  
25 the world, it is important that we truly understand what

1 democracy is.

2       And there needs to be an active debate in Congress, not  
3 along partisan lines, but along scholarship. And that's why  
4 I'm glad that the Annenberg School is participating in this. I  
5 would hope that they would also do more work in terms of  
6 understanding linguistics. Noam Chomsky is known -- has done  
7 such important work following Marshall McLuhan, because he is a  
8 linguist. And when you study the basics of language and how  
9 language affects human people and communications, that's where  
10 you begin to understand the most important aspects of what  
11 individual decision making is about in a democracy.

12       And I would also want to point out that we've learned some  
13 lessons recently. The President, the current president, George  
14 Bush ran against the idea of nation building. We are now  
15 nation building in Afghanistan and we're nation building in  
16 Iraq. And if we're going to that kind of nation building and  
17 set an example, I think its important that we set an example  
18 for an openness in the principles that Jefferson and Washington  
19 and Franklin and the founders of this country set in the types  
20 of debate and discussion and alternative points of view and  
21 access to those points of view that enabled us to come up with,  
22 as they said, not the most perfect form of government but the  
23 best one we have yet.

24       And the same thing has been said about capitalism. It  
25 isn't perfect, but it's the best thing yet. I do think that we



1 need to look at Adam Smith. Go back to the roots of  
2 capitalism. Adam Smith was a pre-capitalist and look at what  
3 does it mean to have competition versus some sense of control.  
4 And the same way that we had a balance between the states and  
5 the federal government, we need to have a balance between  
6 corporations, between individual small businesses,  
7 non-corporations and the public good.

8 I think people, in seeing how this country responded after  
9 9/11 and supports the military, that is not a private thing.  
10 That is -- although it's funded privately -- I mean it funds  
11 private businesses to create the weaponry that -- that give us  
12 the technology to be the strongest military -- the public good  
13 is owned by the people and that's where we should come back to  
14 in this very important debate.

15 And I hope that it -- June 2nd is not the final -- final  
16 vote on this. And I would further just point out that  
17 Mr. Powell was part of the antitrust -- chief of the antitrust  
18 branch of the Attorney General's Office before. And we need to  
19 review his points of view about antitrust as well. Because  
20 it's -- these issues are very much the same issues at the time  
21 that this decision is made. Thank you.

22 **MS. SHEPARD:** My name is Kay Shepard. I'm a teacher, a  
23 vocal instructor, and dream maker center for the inspiring  
24 performing artist. We have a cultural mission to bring the  
25 value of the arts into our culture. And we train artists of

1 every kind to attempt to make cultural change and bring  
2 cultural awareness to the value of the arts in our society.

3 And we increasingly find it more and more difficult to get  
4 works heard and have to really go to the level of an Oprah show  
5 to bring something to the public.

6 I really want to thank Commissioner Copps for being here,  
7 and I have a very simple request because he said he would  
8 listen to us. And it is that clear instructions be given to  
9 we, to us, the public for what we can do about this situation  
10 in the next month.

11 In our own organization we have many people that we could  
12 mobilize, but clear instructions are lacking. And  
13 Commissioner, what you told us to do -- to write to people, to  
14 contact people in public offices is the right instruction, I'm  
15 sure. But are there specific people, specific phone numbers,  
16 specific letters we could write that would do something to  
17 avert this catastrophe in June?

18 And if there are, is there a way, that now that you've  
19 been here that we could get these instructions fast enough to  
20 do something about it? Thank you.

21 **MS. ORTIZ:** For those of you who stayed, I thank you very  
22 much. I really appreciate the fact that you were patient  
23 with -- with the session going long. Thanks a lot John  
24 Connolly for staying too. Thank you very much.

25 (Conclusion of Recorded Material.)